IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 19TH DECEMBER 2007 / 28TH AGRAHAYANA 1929

WP(C).No. 5245 of 2005(Y)

PETITIONER:

P.C. SANDHYA, S/O. P.C. PAVITHRAN,
AISWARYA HOUS, MUZHAPPILANGAD P.O.,
KANNUR.

BY ADV. SRI.C.K.SUDHEER

RESPONDENTS:

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1. THE BRANCH MANAGER, K.S.F.E. BRANCH
KANNUR.

2. THE SPL.DY.TAHSILDAR (R.R.)
K.S.F.E. LTD., SOUTH BAZAR, KANNUR-2.

BY ADV. SRI.RAJU JOSEPH, ADDL.SC.,KSFE LTD.
SRI.T.NAVEEN, SC, K.S.F.E. LTD.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/12/2007, THE COURT ON 19/12/2007 DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

P1 : COPY OF THE NOTICE OF SALE OF IMMOVABLE PROPERTY.

// TRUE COPY //

PA TO JUDGE.

jg

C.N.RAMACHANDRAN NAIR, J.

WP(C) No. 5245 of 2005

Dated, this the 19th day of December, 2007

J U D G M E N T

This writ petition is pending for over 2 ½ years. Even though stay was granted on 15/02/2005, the same was shortly vacated on 04/04/2005. It was open to the respondents to proceed for recovery against the properties and assets of the defaulter and guarantors. Learned counsel for the KSFE today produced a letter written by the petitioner in the writ petition to KSFE stating that she has not really filed the writ petition and the loans were taken by one Mr.M.V.Unnikrishnan in her name. On going through the copy of the letter produced in Court, I feel, Mr.M.V.Unnikrishnan has manipulated several transactions to take the loans in the name of the petitioner. It is for the KSFE to peruse the records and proceed for recovery against the mortgaged properties and against the actual person, who borrowed the amount. Since, prima facie, there is a case for police investigation, there will be direction to first respondent to forward a copy of the petition filed by the petitioner to the local police for enquiry and for launching prosecution, if required, against any person concerned.

This writ petition is disposed of as above.

(C.N.RAMACHANDRAN NAIR, JUDGE)

jg